

SENATE BILL 3951

By McNally

AN ACT to amend Tennessee Code Annotated, Title 67,
Chapter 5, Part 10, relative to the Agricultural,
Forest and Open Space Land Act of 1976.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 67-5-1003(3) is amended by inserting the following language after the third sentence:

For purposes of the maximum acreage limit, a parcel shall be aggregated with other parcels having any degree of common ownership or with other parcels owned by a related corporation or another related artificial entity having any degree of common ownership or control. Parcels thus aggregated shall be ineligible to the extent they exceed fifteen hundred (1,500) acres in the aggregate in any county.

SECTION 2. Tennessee Code Annotated Section 67-5-1005 is amended by deleting subsection (a)(1) and substituting instead the following:

Any owner of land may apply for its classification as agricultural by filing a written application with the assessor of property. The application must be filed by March 1. Reapplication thereafter is not required so long as the ownership as of the assessment date remains unchanged. Property that qualified as agricultural the year before under different ownership is disqualified if a current owner does not timely apply in the name of the new owner. The assessor shall send a notice of disqualification to these owners, but shall accept a late application if filed within thirty (30) days of the notice of disqualification and accompanied by a late application fee of fifty dollars (\$50).

SECTION 3. Tennessee Code Annotated Section 67-5-1006 is amended by deleting subsection (a)(1) and substituting instead the following:

Any owner of land may apply for its classification as forest land by filing a written application with the assessor of property. The application must be filed by March 1. Reapplication thereafter is not required so long as the ownership as of the assessment date remains unchanged. Property that qualified as forest land the year before under different ownership is disqualified if a current owner does not timely apply in the name of the new owner. The assessor shall send a notice of disqualification to these owners, but shall accept a late application if filed within thirty (30) days of the notice of disqualification and accompanied by a late application fee of fifty dollars (\$50).

SECTION 4. Tennessee Code Annotated Section 67-5-1007 is amended by deleting subsection (a)(1) and substituting instead the following:

Any owner of land may apply for its classification as open space land by filing a written application with the assessor of property. The application must be filed by March 1. Reapplication thereafter is not required so long as the ownership as of the assessment date remains unchanged. Property that qualified as open space land the year before under different ownership is disqualified if a current owner does not timely apply in the name of the new owner. The assessor shall send a notice of disqualification to these owners, but shall accept a late application if filed within thirty (30) days of the notice of disqualification and accompanied by a late application fee of fifty dollars (\$50).

SECTION 5. Tennessee Code Annotated, Section 67-5-1008 is amended by deleting the word "or" in subdivision (d)(1)(B), and by deleting subdivision (b)(1)(C) in its entirety and substituting instead the following language:

(b)(1)(C) Such land is covered by a duly recorded subdivision plat, unless the owner of the property proves to the assessor that the property is being used for agricultural purposes and that none of the land covered by the plat is being developed;

(D) An owner fails to file an application as required by this part;

(E) Such land exceeds the acreage limitations of § 67-5-1003(3);

(F) Such land is being developed, in whole or in part, to a use that is inconsistent with the purposes of this act; or

(G) Such land is conveyed or transferred and such conveyance or transfer would render the status of the land exempt.

SECTION 6. Tennessee Code Annotated, Section 67-5-1008 is further amended by adding the following language at the end of subdivision (e)(1)

Property transferred and converted to an exempt or nonqualifying use shall be considered to have been converted involuntarily if the transferee or an agent for the transferee sought the transfer and had power of eminent domain.

SECTION 7. This act shall take effect on becoming law, the public welfare requiring it. If property is disqualified for use value classification solely as the result of this act, any rollback assessment shall be limited to tax savings accruing after the effective date of this act.